

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES ARTHUR BIGGINS,	§	
	§	No. 702, 2009
Plaintiff Below,	§	
Appellant,	§	Court Below—Court of Chancery of
	§	the State of Delaware in and for
v.	§	Kent County
	§	
PERRY PHELPS, MICHAEL	§	
COSTELLO, JAMES	§	
SCARBOROUGH, MARK D.	§	
DRUM, MICHAEL FOWLER,	§	
LARRY SAVAGE and THOMAS	§	
AIELLO,	§	
	§	
Defendants Below,	§	C.A. No. 5121
Appellees.	§	

Submitted: December 21, 2009

Decided: January 6, 2010

ORDER

This 6th day of January 2010, it appears to the Court that on December 4, 2009, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. The appellant has failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice